

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**OLU A. STEVENS, CIRCUIT COURT JUDGE  
30<sup>TH</sup> JUDICIAL CIRCUIT**

**AGREED ORDER OF SUSPENSION**

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Olu A. Stevens (“Judge Stevens”) is a Circuit Court Judge for Kentucky’s 30<sup>th</sup> Judicial Circuit, consisting of Jefferson County. Prior to the commencement of the final hearing, the parties reached an agreement to resolve the matter. Judge Stevens has waived formal proceedings and Judge Stevens, the Judicial Conduct Commission (the “Commission”) and the Commission’s Counsel have agreed to the entry of this Order.

The Commission received Complaints and other information, conducted preliminary and subsequent investigations, and filed a Notice of Formal Proceedings and Charges (the “Original Notice”), an Amended Notice of Formal Proceedings and Charges (the “First Amended Notice”) and a Second Amended Notice of Formal Proceedings and Charges (the “Second Amended Notice”) (the Original Notice, First Amended Notice and Second Amended Notice referred to collectively as the “Notices”) against Judge Stevens alleging he violated the Canons of the Kentucky Code of Judicial Conduct. The Notices asserted eight (8) charges against Judge Stevens. Judge Stevens timely filed Responses to each of the Notices

Judge Stevens, by counsel, and the Commission’s Counsel, reached agreement on a resolution of this matter, as described below. The Commission’s Counsel recommended that the Commission accept the agreement reached with Judge Stevens, and the

Commission, by a vote of 6-0 approved the agreement, resulting in this Agreed Order of Suspension:

1. Judge Stevens agrees that he will not retaliate against any witness, complainant or person involved in these proceedings regarding their statements, actions or other conduct prior to the date of this Agreed Order of Suspension, and further agrees that if he does commit any such acts of retaliation as to such prior statements, acts or conduct, it will constitute a breach of this Agreed Order of Suspension.

2. Judge Stevens' public statement regarding this matter is attached as Exhibit A to this Agreed Order and incorporated by reference.

3. Judge Stevens agrees that any statements made by him or by others under his direction disavowing the contents of the public statement or admissions in this Agreed Order shall constitute a breach of this Agreed Order which shall result in a reinstatement of the charges and may subject Judge Stevens to additional discipline up to and including removal from office.

4. Judge Steven agreed to, and did, make an allocution on the record and in open court on August 8, 2016, as follows:

a. As to Count I of the Notices, Judge Stevens admits that he made the statements contained in subsections (a) through (c) and that these statements constitute a violation of the Canons 1, 2A and 3B(5) of the Kentucky Code of Judicial Conduct.

b. As to Count II of the Notices, Judge Stevens admits that he made the statement contained in subsections (a) and (b), and that these statements constitute a violation of Canons 1, 2A and 4A(2) of the Kentucky Code of Judicial Conduct.

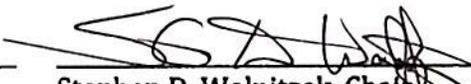
- c. As to Count III of the Notices, Judge Stevens admits that he made the statements contained in subsections (a) through (m) and that these statements constitute a violation of Canons 1, 2A, 3B(4), 3B(5), 4A(1), and 4A(2) of the Kentucky Code of Judicial Conduct.
- d. As to Count IV of the Notices, Judge Stevens admits that he made the statements contained in subsections (a) through (g) and that these statements constitute a violation of Canons 1, 2A, 3B(4), 3B(5), 4A(1), and 4A(2) of the Kentucky Code of Judicial Conduct.
- e. As to Count V of the Notices, Judge Stevens admits that he made the statements contained therein and that these statements constitute a violation of Canons 1, 2A, 3B(4), 3B(5), 3B(9), 4A(1), and 4A(2) of the Kentucky Code of Judicial Conduct.
- f. As to Count VI of the Notices, Judge Stevens admits that he made the statements contained therein and that these statements constitute a violation of Canons 1, 2A, 3B(9), 4A(1), and 4A(2) of the Kentucky Code of Judicial Conduct.
- g. As to Count VII of the Notices, the Commission agrees that this charge is DISMISSED.
- h. As to Count VIII of the Notices, Judge Stevens admits that he made the statement contained therein and that this statement constitutes a violation of Canons 1, 2A, and 3B(9) of the Kentucky Code of Judicial Conduct.

Therefore, in light of the foregoing, Judge Stevens is hereby suspended from his duties as Jefferson Circuit Court Judge, without pay, for a period of ninety (90) days, beginning August 8, 2016 and ending October 30, 2016. In entering this Order with the agreement of

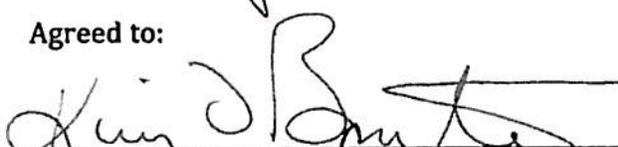
Judge Stevens, the Commission has duly considered that Judge Stevens fully cooperated in the Commission's investigation and procedures and that he had no prior infractions.

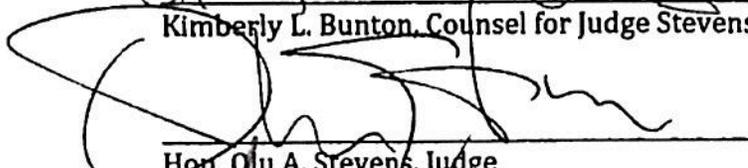
Judge Janet L. Stumbo, Judge Eddy Coleman, Judge Karen Thomas, Mr. Joseph D. Adams, Mr. Michael A. Noftsgger, and Mr. Stephen D. Wolnitzek, sitting. Judge David P. Bowles recused from any consideration of this matter.

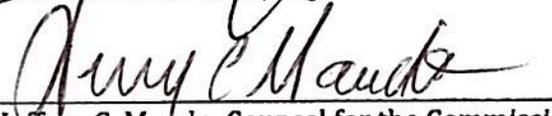
Date: Aug 8, 2016

  
Stephen D. Wolnitzek, Chair

Agreed to:

  
Kimberly L. Bunton, Counsel for Judge Stevens

  
Hon. Olu A. Stevens, Judge

  
Jeffrey C. Mando, Counsel for the Commission

Public Statement of Judge Olu A. Stevens  
August 8, 2016

Beginning in October 2015, I made several comments on social media criticizing Commonwealth Attorney Tom Wine's decision to seek Certification of Law with the Kentucky Supreme Court regarding a decision I made to disqualify a jury panel based on inadequate racial diversity. I also discussed this issue at a presentation before the Louisville Bar Association on November 12, 2015. My intent in making these comments was to emphasize the need to have jury panels that reflect our Commonwealth's racial and ethnic diversity so that all individuals can receive fair trials.

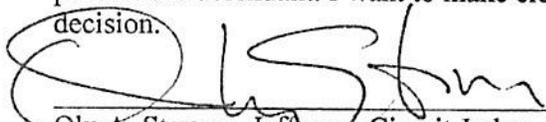
However, rather than focusing solely on the issue on racial representation on jury panels, many of my social media posts and statements during the LBA presentation focused on Mr. Wine and criticized him for seeking the Certification of Law. I realize now that this was wrong. Whether or not I would have done the same in his shoes, Mr. Wine had every right to seek Certification of Law if he felt it was appropriate. I was likewise wrong for saying that his decision to seek Certification of Law was an attempt to advocate for all-white juries. I recognize how serious it is to accuse someone, either expressly or implicitly, of racism. I do not believe Tom Wine is a racist. I apologize for any statements that implied as much.

I want to make clear that I hold no ill-will towards Mr. Wine or anyone in the Jefferson Commonwealth Attorney's Office. Whatever bad feelings I may have towards Mr. Wine in the past is behind me. I pledge that I will rule on all cases that come before based solely upon the facts and the law.

I also want to acknowledge that it was improper for me to discuss the Certification of Law while the case was pending before the Kentucky Supreme Court. While it was not my intention to influence the outcome of the decision, this behavior was nevertheless wrong. Furthermore, I was wrong to criticize the Louisville Metro Public Defender or other members of the legal community on social media.

I also retract and apologize for my March 17, 2016 public statement regarding the Kentucky Court of Appeals.

In *Commonwealth v. Gregory Wallace*, I expressed my displeasure at the contents of a victim impact statement that indicated that the daughter of the victims feared black men as a result of the defendant's actions. I took offense to those comments because I believe they perpetuated negative racial stereotypes. While I maintain that we should continue to speak out against racial stereotyping or discrimination of any kind, I acknowledge that directing my frustration at the victims of the crime was not the appropriate method or venue to address the subject. There have been suggestions that my displeasure with the victim impact statement influenced my decision to probate the defendant. I want to make clear that the victim impact statement played no role in my decision.



Olu A. Stevens, Jefferson Circuit Judge

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**OLU A. STEVENS, CIRCUIT COURT JUDGE  
30<sup>TH</sup> JUDICIAL CIRCUIT**

**ORDER CORRECTING CLERICAL MISTAKE**

On August 8, 2016, the parties in this action entered into an Agreed Order of Suspension whereby Judge Olu A. Stevens would serve an unpaid suspension for a period of ninety (90) days. However, the Agreed Order contained a clerical error that set the terms of the suspension for August 8, 2016 to October 30, 2016, which consists of only 83 days.

SCR 4.160 states that Kentucky Rules of Civil Procedure shall apply to the Commission to the extent they are not inconsistent with Supreme Court Rules. CR 60.01 allows the Commission to correct any clerical mistakes in judgments, orders or other parts of the record. In order to correct the clerical error contained in the Agreed Order, the Commission hereby ORDERS that the August 8, 2016 Agreed Order of Suspension is hereby corrected to accurately reflect terms agreed upon by the parties at the August 8, 2016 hearing. Judge Stevens' 90-day suspension shall begin on August 8, 2016 and conclude on November 6, 2016. All other terms and provisions of the August 8, 2016 Agreed Order of Suspension shall remain in effect.

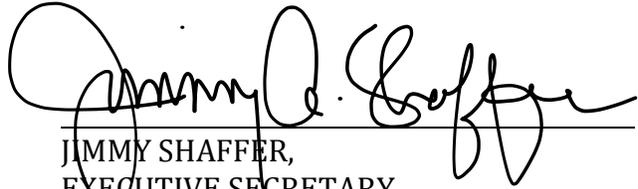
Dated: August 11<sup>th</sup>, 2016

  
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STEPHEN D. WOLNITZEK, CHAIRMAN  
KENTUCKY JUDICIAL CONDUCT COMMISSION

Judge David P. Bowles recused himself from any consideration of this matter.

**CERTIFICATION**

I hereby certify that copy hereof was served on Judge Olu A. Stevens, Jefferson Circuit Court Judge, by mailing same to his attorneys, Kimberly L. Bunton, 1238 E. Broadway, 2<sup>nd</sup> Floor, Louisville, KY 40204; and Jon Wyndal Gordon, 20 South Charles St, Suite 400, Baltimore, MD 21201; and the attorneys for the Judicial Conduct Commission, Jeffrey C. Mando and Louis D. Kelly, 40 W. Pike Street, Covington, KY 41012, this 11<sup>th</sup> day of August, 2016.

  
JIMMY SHAFFER,  
EXECUTIVE SECRETARY